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NATIONAL POLICE FORCE

The Omnibus Crime Control and Safe Streets Act of 1968 established the Law Enforcement Assistance Administration (LEAA) in the Justice Department, to channel tax money from the federal government to states for state and local law enforcement. Congress appropriated $63 million for LEAA in 1969, $268 million in 1970. The Nixon administration requested $480 million for fiscal 1971.

Congressman William M. McCulloch (Ohio Republican) introduced a bill to authorize $650 million for LEAA in fiscal 1971. Congressman Emanuel Celler (New York Democrat) introduced a bill to authorize $750 million. Congressman Claude Pepper (Florida Democrat) proposed $1 billion for LEAA in 1971.

On June 30, 1970, the House, by a roll-call vote of 342-2, passed HR 17825, authorizing $650 million for LEAA in fiscal 1971, $1 billion for fiscal 1972, $1.5 billion for fiscal 1973.[1] The two Congressmen who voted against it were Maston O'Neal (Georgia Democrat) and John R. Rarick (Louisiana Democrat). Rarick was the only Member of the House who voiced opposition. He said:

"The crime situation in the United States has reached such crisis proportions that the members of Congress are hearing from the folks at home with demands that something be done. The political impulse seems to be to do something, even if it is wrong.

"We are being asked to ignore the cause of the problem — the many crime-favoring Supreme Court laws. We are being urged to hoodwink our people into thinking that by massive expenditures of Federal money, by so-called upgrading our local and state police officers, and modernizing our correctional facilities, we can deter the criminal threat.

"The crime problem in the United States is not the fault of Congress — nor the police officers, nor the taxpayers. Congress is hiding its head in the sand if it thinks it can fool the people into

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believing that by giving away more of their money, they will be any safer from the criminal element which roams our streets and highways like some sacred cow. . . .

"We already have enough laws on the books.

"The . . . problem is that as we continue to talk about reducing crime, our law enforcement agencies are denied the freedom to enforce the laws. This bill offers no solution. It but provides for $3.2 billion to be doled out over 3 years for grants to local and State police who agree to comply with various edicts and guidelines laid down by the Attorney General of the United States and enforced by the administrator of . . . LEAA. Except for this purported financial assistance, the measure offers only false promises of help to the police of America in their efforts to stop crime.

"Those of us who live in the South are familiar with Federal funding programs based upon compliance. The funded State or local organization loses all semblance of representing its local people and becomes completely subservient to the funding agency. In this instance, any law enforcement agency accepting Federal funds, which does not toe the line of compliance, can expect to be threatened with loss of funds and if not whipped into line, have its funds cut off.

"We of the South have witnessed firsthand what has happened to our State and local governmental agencies that accepted Federal funds. We need only point to the wholesale destruction of our public schools and public education system which are in many areas either abandoned by a large segment of our people or made wholly inadequate to educate the youth.

"With Federal funds necessarily comes Federal control. It is utterly ridiculous for any rationally informed person to believe that we can buy personal safety or freedom from crime. It is equally ridiculous to believe that we can hand out Federal money and not end up with Federal control and domination over our local police.

"Up to now, the sociological pseudointellectuals have sought to justify throwing away billions of tax dollars with their theories that we can buy off criminals with massive Federal programs and funds. While they still refuse to acknowledge the utter futility of their upside-down thinking, some of the same spokesmen, that is, Ramsey Clark, the National Governors' Conference, the League of Cities, the U.S. Conference of Mayors, the National Association of Counties, the National Commission on the Causes and Prevention of Violence, and representatives of do-gooder organizations now support this bill and ask Congress to buy the police away from the people and put them under the control of an appointed Fed.

"The police power under the Constitution of the United States, with rare exception caused by judicial fiat, has historically been reserved to the States. Now, after 190 years of constitutional government with the police being under the State and local control, we are told that the Constitution must be warped if it says what it does not say.

"If it is a national police force that the Federal bureaucrats want, they have the Army, Navy, and Marines. I, for one, oppose every effort to destroy local police forces, or to even chance the 'foot-in-the-door' power building which is constantly sought by the socialist bureaucrats in their craze for domination of every facet of local and State government.

"This is bad legislation — spurred on by emotion and frustration — more laws by the democracy phobia of the mob — demands without regard or consideration for the further erosion and destruction of constitutional government.

"I intend to abide by my oath of office by casting my peoples' vote against this bill. I will continue to support my local police in

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upholding their responsibilities to maintain law and order to their people, unbridled by additional unnecessary Federal controls and redtape."[2]

Of course, Congressman Rarick is correct. Federal aid to local law enforcement is unconstitutional. It will lead to federal domination of police (just as federal aid to education has led to federal domination of schools). At first, federal influence will be felt (is already being felt in some areas) in the *quality* of men recruited for police work and selected for promotion to key positions. Under pressure and guidance of federal bureaucrats who dispense tax money from Washington, local and state law enforcement agencies will emphasize the hiring and promoting of college graduates trained in sociology. A college degree, instead of experience in the field, will become the stepping stone to advancement in police work.

But the kind of indoctrination imparted by departments of sociology in many universities will unsuit, rather than improve, a man for effective police work. The thin blue line of police officers who correctly look upon themselves as defenders of society — and who presently constitute the only real defense of our civilization against barbarism and anarchy — will gradually vanish. Law enforcement leadership will begin to reflect the permissive attitude generally prevalent in the federal courts and federal bureaucracy: the attitude that "society" and not the criminal is responsible for crime — that it is not society but the criminal who needs protection.

This permissive attitude of the federal courts is one cause of the breakdown in law enforcement. As federal influence brings the attitude into local law enforcement, enforcement will become less effective. Indeed, I anticipate that law enforcement effectiveness will *decrease* as federal aid to local law enforcement *increases.*

Something must be done will become a universal cry; and the chief criers will be the people responsible for the deteriorating situation: those who led the drive for federal aid to local law enforcement. They will not acknowledge that they have erred. They will not recommend a change in direction. They will fight the fire by throwing more fuel on it. That is, they will demand more federal aid.

As federal aid increases, federal *influence* on local law enforcement will evolve into federal *control.* At the end of that road is the instrument for total control that all dictatorships require: a national police force.

Then, the character of American law enforcement will undergo another, and this time a rather abrupt, change. When a national police force becomes a recognized, accepted, operating reality, it will no longer be ineffective and permissive. It will be ruthlessly efficient and repressive. Its mission, however, will not to be to protect the public, but to protect entrenched political power *against* the public.

Then, Congressman John Rarick's June 30, 1970, speech in the House (if not purged from the record) will be an important historical document: it will reveal the identity of the *one* man out of 535 Members of the federal Congress who had the acumen to perceive the truth, the political courage to tell it, and the integrity to act upon it.

One of Mr. Rarick's points should be particularly re-emphasized and remembered: the argument for expenditure of federal tax money to curb crime by improving local law enforcement, insinuates that crime is the fault of law enforcement, which is inferior and needs improving; that Congress is responsible, because it has not heretofore appropriated enough money to improve local law enforcement; and that the taxpayers are responsible, because they have discouraged the spending of tax money for law enforcement. This puts no blame on criminals for committing crimes; on courts for helping criminals and hampering law enforcement; or on liberal politicians and bureaucrats who, by supporting governmental programs that violate the fundamental law of the land (the Constitution) set an example of lawlessness.

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In reference to the argument that federal aid will improve local law enforcement, we should note that the trend I anticipate — the effectiveness of law enforcement will *decline* as federal aid *rises* — has already begun to set in. The first appropriation to curb crime by giving comprehensive federal aid to local law enforcement was for 1969; and the crime rate in 1969 was higher than the crime rate in 1968. The second appropriation for federal aid to law enforcement was for 1970; and the crime rate in 1970 is higher than the crime rate in 1969.

The Crime Control and Safe Streets Act is presently awaiting action in the Senate, where it will doubtless pass. The only opposition is from those who want the federal aid given directly to cities, instead of being given to state governments for reallocation to law agencies in the state.

This bill is only one of several of President Nixon's crime-control proposals. Other major bills awaiting final action by Congress:

—the Preventive Detention Act, aimed at the problem of indicted hard-core criminals being given pre-trial release and allowed to remain free to commit other crimes while awaiting trial;

—the Drug Control Act, whose most controversial feature is the "no-knock" provision authorizing search warrants which would permit law officers to enter a premise without first knocking or announcing their intention;

—the Organized Crime Control Act, aimed at underworld criminal syndicates.

The primary thrust of these three crime-control bills is toward giving law enforcement a little more leeway than it now has in handling the worst kinds of criminals: hard-core habitual criminals to whom release-on-bail is encouragement to commit more crimes; the traffickers in dangerous drugs; the denizens of the powerful, organized criminal underworld. And the tenor of these three bills is to put the blame for crime on criminals.

It is interesting to note that Members of Congress who are most aggressive in supporting the federal-aid-to-law-enforcement bill (which insinuates that poor law enforcement is the cause of crime) are most aggressive in opposing these crime-control bills which rest on the assumption that it is the criminal who is responsible for crime. They find nothing unconstitutional in a bill that provides federal aid for local law enforcement, although the Constitution does not authorize the federal government to subsidize local police. These same Members of Congress, however, consider as unconstitutional legislation which would, in some degree, restore to police certain powers that were traditionally and constitutionally theirs until taken away by act of Congress and court decisions in recent years.

NEXT WEEK, I will discuss, in more detail, these proposed crime-control measures, and will suggest what I think should be done.

FOOTNOTES

(1) *Congressional Quarterly Weekly Report*, June 19, 1970, p. 1581

(2) *Congressional Record*, June 30, 1970, pp. H6203 ff.

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